

**SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 7, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed all members present.

Prayer was offered by Marshall Rule, Student, Bishop Kelly High School.

The Pledge of Allegiance was led by Katie Cox, Page.

Approval of Journal

March 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixtieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 6, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1029, S 1030, S 1032, S 1033, S 1034, S 1047, and S 1048** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1029, S 1030, S 1032, S 1033, S 1034, S 1047, and S 1048** and, when so signed, ordered them returned to the Senate.

March 6, 2003

Mr. Speaker:

I return herewith enrolled **H 115, H 116, H 181, H 182, H 145, H 146, H 103, H 138, H 23, H 24, and H 25** which have been signed by the President.

WOOD, Secretary

Enrolled **H 115, H 116, H 181, H 182, H 145, H 146, H 103, H 138, H 23, H 24, and H 25** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 6, 2003

Mr. Speaker:

I transmit herewith **SCR 109, SCR 110, S 1125, S 1119, S 1097, S 1127, and S 1110** which have passed the Senate.

WOOD, Secretary

SCR 109, SCR 110, S 1125, S 1119, S 1097, S 1127, and

S 1110 were filed for first reading.

March 6, 2003

Mr. Speaker:

I return herewith **H 166, H 247, and H 223** which have passed the Senate.

WOOD, Secretary

H 166, H 247, and H 223 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 332, H 333, H 334, H 335, H 336, H 337, H 338, H 339, H 340, H 341, H 342, H 343, H 344, and H 345**.

FIELD(18), Chairman

H 333 was referred to the State Affairs Committee.

H 334 was referred to the Business Committee.

H 335, H 336, H 337, and H 338 were referred to the Judiciary, Rules, and Administration Committee.

H 339 was referred to the Local Government Committee.

H 332, H 340, H 341, H 342, H 343, H 344, and H 345 were filed for second reading.

March 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HJM 2, HCR 12, and HJM 3**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HJM 2, HCR 12, and HJM 3**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 318** and recommend that it do pass.

TILMAN, Chairman

H 318 was filed for second reading.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 322** and recommend it be referred to the State Affairs Committee.

TILMAN, Chairman

H 322 was referred to the State Affairs Committee.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 302** and recommend that it do pass.

CROW, Chairman

H 302 was filed for second reading.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 287** and report it back with amendments attached to be placed on General Orders for consideration.

TILMAN, Chairman

H 287 was placed on General Orders for consideration.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 282** and **HJM 5** and recommend that they do pass.

WOOD, Chairman

H 282 and **HJM 5** were filed for second reading.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **HCR 24** and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

HCR 24 was placed on General Orders for consideration.

March 7, 2003

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 262** and recommend that it do pass.

TILMAN, Chairman

H 262 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 109 and **SCR 110**, by State Affairs Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 346 BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE FOR THE NUMBER OF CHARTER SCHOOLS WHICH MAY BE APPROVED BY A CHARTERING AUTHORITY WHICH IS NOT A LOCAL BOARD OF TRUSTEES OF A SCHOOL DISTRICT AND TO DELETE CONFLICTING LANGUAGE; AMENDING SECTION 33-5204, IDAHO CODE, TO PROVIDE REFERENCE TO ALL CHARTERING AUTHORITIES; AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE FOR AUTHORIZATION OF A CHARTER SCHOOL BY OTHER EDUCATIONAL INSTITUTIONS IN THE STATE, TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH A PROCEDURE BY WHICH NONPROFIT CORPORATIONS AND PRIVATE FOUNDATIONS MAY BE A CHARTERING AUTHORITY, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO CREATE OTHER CHARTERING AUTHORITIES WHICH ARE NOT FOR-PROFIT ENTITIES, TO PROVIDE PROPER TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-5206, IDAHO CODE, TO CLARIFY THAT ADMISSION POLICIES FOR AN ATTENDANCE AREA APPLY TO NEW OR CONVERSION CHARTERS AUTHORIZED BY A LOCAL SCHOOL BOARD OF TRUSTEES, TO PROVIDE PROPER TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-5207, IDAHO CODE, TO PROVIDE FOR APPEAL OF A DECISION BY A CHARTERING AUTHORITY WHICH IS NOT A LOCAL SCHOOL BOARD OF TRUSTEES THAT DENIES A PETITION TO ESTABLISH A CHARTER SCHOOL; AMENDING SECTION 33-5209, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY; AND AMENDING SECTION 33-5210, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES.

HOUSE BILL NO. 347 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 348 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 349
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 350
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2003; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 351
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2004; PROVIDING FOR THE RECOVERY OF BANKING SERVICES COSTS TO THE GENERAL FUND; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 352
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2004; PRESCRIBING BILLING METHODOLOGIES FOR STATEWIDE ACCOUNTING AND STATEWIDE PAYROLL; REQUIRING CERTAIN PURCHASES BE SUBJECT TO CERTAIN CONDITIONS; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

H 346, H 347, H 348, H 349, H 350, H 351, and H 352 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1125, by State Affairs Committee, was introduced, read the first time by title, and referred to the Ways and Means Committee.

S 1119, by State Affairs Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1097 and S 1127, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Business Committee.

S 1110, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 330, by Appropriations Committee, was read the second

time by title and filed for third reading.

H 136, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 294 and **H 283**, as amended, by Ways and Means Committee, were read the second time by title and filed for third reading.

S 1056, by Resources and Environment Committee, was read the second time by title and filed for third reading.

H 218, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

S 1004, S 1005, S 1006, S 1007, S 1008, and S 1019, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

H 281, H 306, and H 305, by State Affairs Committee, were read the second time by title and filed for third reading.

H 232, as amended, by Local Government Committee, was read the second time by title and filed for third reading.

H 269, as amended, by Education Committee, was read the second time by title and filed for third reading.

HCR 13, as amended, **HCR 21**, as amended, as amended, and **H 199**, as amended, by Health and Welfare Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mrs. Field(18) asked unanimous consent that **H 215** be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

H 271 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Tilman to open debate.

The question being, "Shall **H 271** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Clark, Collins, Deal, Denney, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ring, Roberts, Robison, Rydall, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood, Mr. Speaker. Total -- 57.

NAYS -- Bieter, Cannon, Cuddy, Douglas, Edmunson, Jones, Mitchell, Naccarato, Ridinger, Ringo, Sayler, Trail. Total -- 12.

Absent and excused -- Crow. Total -- 1.
Total -- 70.

Whereupon the Speaker declared **H 271** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

HCR 26 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail and Mr. Martinez to open debate.

The question being, "Shall **HCR 26** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Bieter, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Deal, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Garrett, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, Mitchell, Naccarato, Nielsen, Ring, Ringo, Robison, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 46.

NAYS -- Barrett, Bedke, Black, Block, Clark, Denney, Ellsworth, Gagner, Harwood, Kulczyk, Lake, McKague, Meyer, Miller, Moyle, Raybould, Ridinger, Roberts, Rydalch, Sali, Smith(30), Tilman. Total -- 22.

Absent and excused -- Crow, Cuddy. Total -- 2.
Total -- 70.

Whereupon the Speaker declared **HCR 26** adopted and ordered the resolution transmitted to the Senate.

HCR 27 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **HCR 27** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bell, Bieter, Black, Boe, Campbell, Cannon, Clark, Cuddy, Deal, Denney, Douglas, Edmunson, Eskridge, Field(18), Field(23), Gagner, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Ridinger, Ring, Ringo, Robison, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 45.

NAYS -- Barrett, Bauer, Bedke, Block, Bolz, Bradford, Collins, Crow, Eberle, Ellsworth, Garrett, Harwood, Kulczyk, Lake, Langford, McGeachin, McKague, Moyle, Raybould, Roberts, Rydalch, Sali, Schaefer, Tilman, Wood. Total -- 25.
Total -- 70.

Whereupon the Speaker declared **HCR 27** adopted and ordered the resolution transmitted to the Senate.

H 284 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall **H 284** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood, Mr. Speaker. Total -- 53.

NAYS -- Andersen, Bieter, Boe, Deal, Douglas, Henbest, Jaquet, Jones, Langhorst, Martinez, Ringo, Robison, Sayler, Smith(30), Trail. Total -- 15.

Absent and excused -- Mitchell, Naccarato. Total -- 2.

Paired Votes:

AYE -- Ellsworth. NAY -- Henbest.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 284** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 10, 2003. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Monday, March 10, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 1 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk